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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10

11 MICHAEL FOX,
12 Plaintiff,
13 v.
14 UNITED STATES OF AMERICA
15 Defendant.
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Civil Case No. 07CV2388-DMS (POR)

EX PARTE APPLICATION FOR
ADDITIONAL TIME TO FILE
RESPONSIVE PLEADING

19 **I. INTRODUCTION**

20 Pursuant to Fed. R. Civ. P. 6(b)(1), it is requested that the Court issue an order providing
21 additional time for all Federal Defendants (hereafter “the United States” or the “Government”)
22 to respond to the Complaint filed in this action by Plaintiff Michael Fox. Such an order is
23 authorized under Fed. R. Civ. Proc. 6(b)(1)(A), which allows the Court in its discretion to extend
24 time “with or without motion or notice if the court acts, or if a request is made, before the
25 original time or its extension expires . . .”

26 Further, Local Rule 12.1 for this District provides that extensions of time for responding
27 to a complaint shall only be secured by obtaining the approval of a judicial officer, who shall
28 base the decision on a showing of good cause.

II. RELEVANT PROCEDURAL BACKGROUND

Plaintiff Michael Fox, appearing pro se, has filed an action against a number of defendants, including various federal agencies and federal employees. Plaintiff alleges numerous items, labeling his various claims as a deprivation of his civil rights, abuse, and claims for monetary relief.

Ordinarily, in an action originally filed in United States District Court against the United States, the time for response to a complaint against the United States is set forth in Fed R. Civ. P. 12(a)(2). That rule affords “60 days after service upon the United States Attorney . . .” within which to respond to the Plaintiff’s pleading as opposed to the 20 days generally afforded to non-federal defendants under the Rule.

As noted in the Court’s online docket, Plaintiff filed his Complaint on December 26, 2007, and claims to have served the United States on December 28, 2007. Pursuant to that calculation, and as noted on the Court’s docket for this case, the United States must file a response to Plaintiff’s Complaint on or before February 28, 2008. However, in the interim, and before the United States has filed any responsive pleading, Plaintiff elected to file a First Amended Complaint on January 30, 2008.

III. ARGUMENT

Plaintiff has claimed wrongdoing covering a number of different issues and a vast number of distinct persons and entities. Additionally, Plaintiff has alleged claims related to conduct occurring over an expansive period of time dating back to January of 1995, a period which spans more than 13 years. Given this lengthy time period, the number of issues involved, and the number of parties allegedly implicated, Plaintiff’s lawsuit must be put into context, requiring significant time to prepare a response. Due to relative workloads, additional time would be beneficial to allow counsel an opportunity to fully examine Plaintiff’s lawsuit in order to prepare a suitable response. Therefore, the Government respectfully requests an additional 22 days to respond to Plaintiff’s Complaint.

IV. CONCLUSION

For the above stated reasons, the Government respectfully requests that the Court grant an additional 22 days to respond to Plaintiff's complaint. Pursuant to this additional time, the Government's response to Plaintiff's Complaint would be due on or before March 21, 2008.

DATED: February 26, 2008

KAREN P. HEWITT
United States Attorney

/s Steve B. Chu

STEVE B. CHU
Assistant U.S. Attorney

Attorneys for all Federal Defendants